

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 INRE-00 AID-20 CEA-02

CIAE-00 COME-00 EB-11 EA-11 FRB-03 INR-11 IO-14

NEA-14 NSAE-00 RSC-01 OPIC-12 SP-03 TRSE-00 CIEP-03

LAB-06 SIL-01 SWF-02 OMB-01 USIE-00 NSC-07 SS-20

STR-08 PA-04 PRS-01 L-03 FEA-02 INT-08 SCI-06 AEC-11

ACDA-19 AECE-00 SAM-01 EURE-00 DRC-01 /232 W

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FM USMISSION OECD PARIS

TO SECSTATE WASH DC IMMEDIATE 3686

INFO AMEMBASSY BRUSSELS PRIORITY

CONFIDENTIAL SECTION 01 OF 02 OECD PARIS 22503

E.O. 11652: GDS

TAGS: ENRG, OECD

SUBJECT: IEP: DRAFT OECD COUNCIL DECISION

1. DEPT DEPUTY LEGAL ADVISOR HOPKINS AND MISSION
OFFICERS (IN CLOSE CONSULTATION WITH OECD DEPUTY LEGAL
ADVISOR SCOTT) ARE PREPARING A REVISED AND COMPLETED
VERSION OF THE DRAFT OECD COUNCIL DECISION (ANNEX TO
ECG 85) CIRCULATED BY THE SECRETARIAT AT SEPTEMBER 20
BRUSSELS ECG MEETING. HOPKINS WOULD PLAN TO TABLE
REVISED DRAFT AT "TOILETTE JURIDIQUE" WORKING PARTY
MEETING IN BRUSSELS ON WEDNESDAY SEPTEMBER 25, UNLESS
INSTRUCTED OTHERWISE BY DEPARTMENT.

2. REVISED VERSION WOULD MEET FOLLOWING PROBLEMS IN
PRESENT TEXT:

A) PRESENT TEXT, BY REFERRING IN NUMEROUS PLACES TO
SPECIFIC PROVISIONS OF THE INTERNATIONAL ENERGY
AGREEMENT, SUGGESTS THAT THE COUNCIL IS DECIDING ON
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THE EMERGENCY PROGRAM ITSELF, AND NOT JUST THE

ESTABLISHMENT OF THE NEW ENERGY AGENCY. AT A MINIMUM, THIS APPROACH INVITES UNNECESSARY COMMENT ON THE PROGRAM BY OTHER OECD MEMBERS. EVEN MORE IMPORTANT, IT MAKES IT APPEAR THAT ELEMENTS OF THE PROGRAM REFERRED TO, AND ANY FUTURE MODIFICATIONS THERETO, ARE SUBJECT TO SPECIFIC COUNCIL APPROVAL. THIS APPROACH ALSO PUTS THE OTHER NON-IEP MEMBERS, PARTICULARLY THE FRENCH, IN A DIFFICULT SITUATION SINCE, IN EFFECT, IT FORCES THEM TO PASS JUDGMENT ON THE EMERGENCY PROGRAM ITSELF AT THE TIME OF THE COUNCIL DECISION--SOMETHING THEY MIGHT PREFER TO DEFER JUDGMENT ON. WE BELIEVE THE OBJECTIVE HERE SHOULD BE TO PROVIDE THE MAXIMUM POSSIBLE FLEXIBILITY TO THE GOVERNING BOARD OF THE NEW AGENCY. THIS WOULD BE BEST ACCOMPLISHED BY DELETING, IN THE COUNCIL DECISION, MOST IF NOT ALL OF THE SPECIFIC REFERENCES TO PROVISIONS OF THE AGREEMENT, AND INCLUDING INSTEAD A BROAD DESCRIPTION OF THE GENERAL ELEMENTS OF THE EMERGENCY PROGRAM. THIS COULD BE DONE BY INCORPORATING LANGUAGE ALONG THE LINES OF THE DRAFT CIRCULATED EARLIER BY LANTZKE AND SCOTT (SEE BELOW). ALSO, THE PRESENT TEXT DOES NOT INCLUDE ANY SPECIFIC REFERENCE, (UNDER THE LONG TERM COOPERATION PARAGRAPH), TO CONSERVATION OR ACCELERATED DEVELOPMENT PROGRAMS, WHICH ARE OF PARTICULAR INTEREST TO THE FRENCH, OR TO THE URANIUM ENRICHMENT PROGRAM WHICH IS OF PARTICULAR INTEREST TO US. WE THEREFORE INTEND TO EXPAND THE TEXT TO INCLUDE BRIEF REFERENCE TO THESE ELEMENTS, AS WELL AS THE OTHER PROPOSED ELEMENTS OF THE AGENCY'S WORK PROGRAM.

TO COVER ABOVE POINTS, TEXT CORRESPONDING TO ARTICLE 2 OF DRAFT AGREED SEPT 20 WOULD BE REVISED TO READ:

"1. THE GOVERNING BOARD OF THE AGENCY SHALL ADOPT AND CARRY OUT AN INTERNATIONAL ENERGY PROGRAM FOR COOPERATION BETWEEN THE PARTICIPATING COUNTRIES IN THE FIELD OF ENERGY, INCLUDING THE FOLLOWING ELEMENTS:

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INFO AMEMBASSY BRUSSELS PRIORITY

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(I) ESTABLISHMENT OF COMMON DEMAND RESTRAINT

MEASURES IN AN EMERGENCY;

(II) DEVELOPMENT OF A COMMON LEVEL OF EMERGENCY

SELF-SUFFICIENCY IN OIL SUPPLIES;

(III) ESTABLISHMENT AND IMPLEMENTATION OF MEASURES

FOR THE ALLOCATION OF AVAILABLE OIL IN TIME OF SHORTAGE
OR EMERGENCY;

(IV) DEVELOPMENT AND IMPLEMENTATION OF A LONG-TERM

CO-OPERATION PROGRAMME TO REDUCE DEPENDENCE ON IMPORTED
OIL, INCLUDING: CONSERVATION OF ENERGY; DEVELOPMENT OF
ALTERNATIVE SOURCES OF ENERGY; ENERGY RESEARCH AND
DEVELOPMENT; AND SUPPLY OF NATURAL AND ENRICHED
URANIUM;

(V) DEVELOPMENT OF: A SYSTEM OF INFORMATION ON
THE INTERNATIONAL OIL MARKET AND A FRAMEWORK FOR
CONSULTATION AND COOPERATION WITH INTERNATIONAL OIL
COMPANIES; AND ENDEAVORS TO PROMOTE COOPERATIVE
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RELATIONS WITH OIL-PRODUCING COUNTRIES AND OTHER
CONSUMING COUNTRIES;

AND SUCH OTHER ELEMENTS AS THE GOVERNING BOARD MAY
DETERMINE."

B) THE PRESENTLY ENVISAGED TITLE FOR THE NEW ENERGY
AGENCY MAKES NO SPECIFIC REFERENCE TO ITS LINK TO OECD.
WE BELIEVE THIS IS AN UNNECESSARY AFFRONT TO THE EXIST-
ING OECD STRUCTURE, AND MAY MAKE PASSAGE OF THE PROPOSAL
MORE DIFFICULT IN THE COUNCIL (SCOTT SHARES THIS VIEW).
THE TITLE ALSO MIGHT BE SEEN AS MISLEADING, SINCE THE
AGENCY WILL NOT BE FULLY INTERNATIONAL IN MEMBERSHIP.

IT THUS COULD CREATE UNNECESSARY DIFFICULTIES BY
STIMULATING OTHERS, SUCH AS THE ISRAELIS AND BRAZIL, TO
APPLY FOR MEMBERSHIP. IN VIEW OF THE ABOVE, AS WELL AS
THE FACT THAT ALL OTHER ECG MEMBERS WANT THE AGENCY
CLEARLY IDENTIFIED WITH OECD, WE PLAN TO
SUGGEST THAT THE TITLE BE REVISED APPROPRIATELY
(PERHAPS SOMETHING ALONG THE LINES OF THE "OECD ENERGY
AGENCY").

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